IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE NINETH DAY OF APRIL
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.17258 of 1998

Between:

M.Pratap Reddy
..... PETITIONER

AND

Regional Transport Officer,
Anantapur, Anantapur District.
.....RESPONDENT

THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.17258 of 1998

ORDER: ***(Per Hon'ble Sri Justice Bilal Nazki,)***

This Writ Petition has been filed challenging the demand notice dated 22-02-1997 by which the petitioner was directed to deposit an amount of Rs.61,774/- as a difference of tax between a loaded vehicle and an ordinary such carriage on the ground

that it was carrying 80 passengers and met with an accident resulting in death of six passengers and injuries to 21 passengers.

The matter appears to be covered by a larger Bench judgment of this Court reported in ***L.Royal Reddy and others v. Government of A.P.***[1] whereby it has been held that in such situations, the conditions of the permit cannot be changed. However, the respondents would be free to take appropriate action for violation of the conditions of permit.

In these circumstances, we allow the Writ Petition, quash the impugned demand notice, giving opportunity to the respondent-authority to proceed against the petitioner for violation of the conditions of permit. No costs.

(Bilal Nazki, J)

9th April, 2007

(Nooty Ramamohana Rao, J)

LUR

[1] **2004(2) ALD 225 (LB)**